IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.12897 of 1998

Dated: 14-02-2007

Between:

Darakonda Gonthaiah,
s/o Dharmaiah,
aged about 50 years,
r/o K.E. Chinnaiahpalem,
Kotananduru Mandal,
East Godavari District.

... Petitioner

and

1. The District Collector, East Godavari District,
   Kakinada and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the action of the respondents in not considering the representations filed by the petitioner for grant of patta in an extent of Ac.4-00 in S.No.47 situated at K.E. Chinnaiahpalem, Kotanaduru Mandal and on the other hand seeking to evict him from the said land in order to assign the

same to other persons who are not entitled for assignment, as arbitrary and illegal and consequently direct the respondents to consider the application of the petitioner for issue of patta in respect of the land in which he is in possession.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner belongs to Harijan community and a landless poor person. During the year 1978, revenue authorities put him in possession of Government Poramboke land in an extent of Ac.4-00 in S.No.47 of K.E. Chinnaiahpalem and he domesticated the same and made it fit for cultivation. It is stated that the third respondent received tax from the petitioner in respect of the above land on 26-02-1993, showing him as occupant of the land. The grievance of the petitioner is that the third respondent is trying to evict him from the land in question without considering his representation for assignment of the said land in favour of him.

3. Heard learned counsel for the parties.

4. A detailed counter affidavit is filed on behalf of the respondents.

In the said counter affidavit it is stated that the petitioner belongs to Scheduled Caste community and he is a landless poor person and thus he is entitled for assignment only in an extent of Ac.2-20 cents over Konda Poramboke, which was encroached by him. It is also stated that the petitioner was given patta in an extent of Ac.2-20 cents as per the village records and the respondents have never objected and tried to dispossess the petitioner from the said land. It is also stated that in fact the Government with a view to encourage the petitioner supplied cashew plants on free of costs through Scheduled

Caste Corporation.

5. Having regard to the said fact, this Court is of the view that on an apprehension that the respondents may evict him, the petitioner approached this Court and filed the present writ petition. In view of the admission of the Government in the counter affidavit that there is no threat of dispossession or interference with the possession of the petitioner,

this Court is of the view that no writ can be issued as prayed for.

6. Accordingly, the writ petition is dismissed. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.14-02-2007
GLV